

MEMORANDUM

MARCH 21, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: OWEN DONNELLY, PROJECT COORDINATOR
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: NORTH STATION URBAN RENEWAL AREA
RATIFICATION AND AFFIRMATION GRANT OF EASEMENT
DISPOSITION PARCEL P-1

In July, 1983, the Authority conveyed Parcel P-1 in the North Station Urban Renewal Area to the United States of America for construction of the General Services Administration building. As part of this conveyance and the Purchase and Sales Agreement thereof, the Authority was to convey a temporary easement to a strip of land surrounding Parcel P-1 to aid construction.

G.S.A. and Modern Continental, their contractor, requested authorization to leave some concrete blocks and sheet piling (used to retain the perimeter of the foundation hole in place) below grade in the easement area. In return, the contractor is building a much needed sewer and drain for the area and removal of the concrete could potentially cause damage to an abutting building of the Garden. The abandoned material does not impede future construction in the area.

An agreement to leave the pilings and concrete in place has been executed with Modern Continental, one of the terms of which is an indemnification to the Authority.

The Authority granted the temporary easement to the General Services Administration on September 20, 1984, and in a cover letter, a copy of which is attached, the Authority agrees to hold General Services Administration harmless from any claims for the abandoned blocks and pilings.

An appropriate vote follows:

VOTED: that the Authority hereby ratifies and affirms the grant of a Temporary Easement to the General Services Administration of the United States of America by instrument dated September 20, 1984, and to indemnify the United States of America as set forth in the letter dated September 21, 1984.

Attmt.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the BOSTON REDEVELOPMENT AUTHORITY, a public body politic and corporate, duly organized and existing under the laws of the Commonwealth of Massachusetts and having offices at City Hall, Boston, Massachusetts 02201 (hereinafter called "Agency"), for and in consideration of One Dollar (\$1.00) paid to it and the further consideration of the construction by the Grantee herein of a federal office building in the Agency's urban renewal project area known as North Station, does hereby grant to, with warranty covenants, the UNITED STATES OF AMERICA, acting by and through the ADMINISTRATOR OF GENERAL SERVICES ADMINISTRATION, his successors and assigns, (hereinafter called "GOVERNMENT"), temporary easements allowing the Government to use certain areas, designated as Areas "A" and "B" on the Agency's plan dated May, 1983, entitled, "Delivery Parcel Plan - Parcel P-1," prepared by C. E. Maguire, Inc., and recorded with Suffolk Registry of Deeds, Book 10415, page 144, during the construction of its said federal office building for construction staging and other purposes related to said construction. Said temporary easements shall terminate as to the portion designated Area A, which area shall be used by the Agency for street construction purposes two years after the Notice to Proceed issued for the Government construction contract, dated July 12, 1983, and shall terminate as to Area B three years after the date of said Notice.

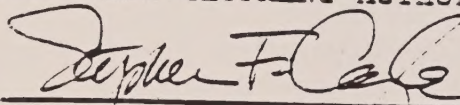
The Agency is now the fee owner of all land where said material is located.

TO HAVE AND TO HOLD, the granted premises with all the privileges and appurtenances thereto, belonging to the said grantee, its successors and assigns, to its own use and behalf for the full period of said temporary easements.

IN WITNESS WHEREOF the Boston Redevelopment Authority has caused these presents to be executed as a sealed instrument in its name and behalf this 20th day of September, 1984.

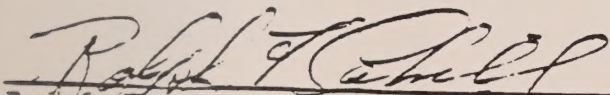
BOSTON REDEVELOPMENT AUTHORITY

By



Stephen F. Coyle, Director

Approved as to form:



Ralph F. Cahill, Assistant General Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

Boston, September 20 1984

Then personally appeared before me the above named Stephen F. Coyle
and acknowledged the foregoing instrument to be his free act and deed and the
free act and deed of said Boston Redevelopment Authority.

Paul J. L. L.

Notary Public

My Commission expires Aug 3 1990

Boston Redevelopment Authority

Copies: K. Simons
R. Cahill
R. Garsen

Stephen F. Coyle/Director

September 21, 1984

Mr. Peter J. Thomas
Regional Administrator
General Services Administration
Region 1
John W. McCormack Post Office & Courthouse
Boston, MA 02109

RE: NEW FEDERAL BUILDING CONSTRUCTION EASEMENT

Dear Mr. Thomas:

As you know when the Authority conveyed the land parcel for the construction of the new Federal building in July 1983 it also granted a construction easement to the General Services Administration. Modern Continental Construction Company, Inc., a subcontractor for the construction of the Federal building excavated a substantial portion of the easement area and installed sheet piling and concrete block to retain the perimeter of the foundation hole.

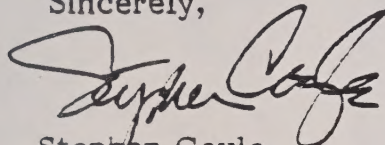
Several month's ago Modern requested authorization to leave in place the sheet piling below elevation 10 and certain of the concrete block. With some modification of the Modern request, the Authority concluded that the material abandoned in place would not be an impediment to future construction in the area. More importantly the agreement on this matter between the parties serves the public interest in two important ways.

First, the Authority is concerned that the removal of the concrete block would cause further damage to the abutting building which contains electrical and emergency exit stair facilities needed by the Boston Garden. Damage to this facility could prevent the operation of the Boston Garden which would be a very serious and costly matter.

During the early months of construction of the Federal building a significant drainage problem at the northeast corner of the building came to light. The problem is caused by the placement of the building and the reconfiguration of the service alley from the Boston Garden to Nashua Street and is compounded by a long standing drainage problem at the nearby parking lot. As a part of this agreement Modern will construct a sewer facility which will drain this area out to the storm sewer in Nashua Street. This facility will be a second important benefit to the public and to the GSA as well.

To formalize this arrangement the Authority will enter into a written agreement with the Modern Continental Construction Company. In addition, enclosed is a grant of easement from the Authority to the GSA which is modified to allow the material to be abandoned in place. Further, the Authority herein agrees to hold harmless the GSA from any future claims which may arise because of said abandoned material.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen Coyle", written in a cursive style.

Stephen Coyle
Director

cc: William Manley, Regional Counsel

